

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Figure 1 is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. The drawing Figure 1 has been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

The specific changes which have been made to Figure 1 are to include the reference numeral 31c to label the oil pan.

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 17 are currently being amended. Support for these amendments can be found at least in paragraph [0037] of the application. New claim 19 has been added. No new matter has been added.

This amendment changes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-19 are now pending in this application.

Drawings

The drawings were objected to for not showing every feature of the invention specified in the claims. Specifically, the Patent Office stated on page 2 of the Office Action that “the ‘pan reserving the first refrigerant’ for claims 1 and 17 must be shown or the feature(s) canceled from the claim(s).” Claims 1 and 17 have been amended to correct a typographical error, namely to clarify that the pan is an oil pan for reserving the second refrigerant. Further, FIG. 1 has been amended to label the oil pan with the reference numeral 31c, and the specification on page 11, paragraph [0037] has been amended to be consistent with this amendment to FIG. 1. Accordingly, applicants submit that the objection to the drawings has been overcome.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-18 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Specifically, the Patent Office stated on page 3 of

the Office Action that “it is not clear how the first refrigerant reserved in the pan being radiated to the second refrigerant.” Claims 1 and 17 have been amended to correct a typographical error, namely to clarify that the pan is an oil pan for reserving the second refrigerant, and that the heat of the second refrigerant reserved in the pan is radiated to the first refrigerant. Applicants submit that independent claims 1 and 17, as amended, comply with the written description requirement, and respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection under 35 U.S.C. § 103

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1049234 A2 to Takeshi et al. (“Takeshi”) in view of U.S. Patent No. 5,732,769 to Staffa (“Staffa”) and U.S. Patent No. 4,576,555 to Ashenfelter (“Ashenfelter”). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1, as amended, recites “a heat exchanger transferring the heat of the second refrigerant to the first refrigerant, . . . the heat exchanger further including an oil pan reserving the second refrigerant and the heat of the second refrigerant reserved in the pan being radiated to the first refrigerant.” The Patent Office on page 4 of the Office Action appears to recognize that Takeshi fails to disclose this feature of claim 1, noting that Takeshi does not disclose a heat exchange being disposed at the bottom of a drive unit. The Patent Office, however, supplies Ashenfelter for allegedly teaching the use of a heat exchanging pipe 54 with cool refrigerant exchanging heat with the lube oil in the sump 70 both disposed under a drive unit 20. Applicants submit, however, that Ashenfelter fails to cure the deficiencies of Takeshi.

Contrary to the assertions by the Patent Office, the tube 54 is not disclosed by Ashenfelter to be a heat exchanging pipe 54 with cool refrigerant exchanging heat with the lube oil in the sump 70. In the Ashenfelter device, one end of oil cooler tube 54 penetrates through housing 10 and is drawn out externally to the housing. The other end of oil cooler tube 54 appears to be open within the oil reserved in oil sump 70 since Ashenfelter does not

disclose that the other end of the tube 54 is drawn out externally to the housing. Thus, the oil cooler tube 54 of Ashenfelter appears to be a tube for the oil reserved in oil sump 70 to be introduced into an oil cooler provided externally to the housing 10, but is not a member constituting a heat exchanger with cool refrigerant exchanging heat with the lube oil in the sump 70. Therefore, even if Ashenfelter and Takeshi were combined, the combination would not have all the features of claim 1.

Staffa was cited for disclosing other features of the claims, but fails to cure the deficiencies of Ashenfelter and Takeshi.

Claim 17 has features corresponding to those discussed above with respect to claim 1, and is patentable for analogous reasons.

The dependent claims are patentable for at least the same reasons as their respective independent claims as well as for further patentable features recited therein.

New independent claim 19 has been added, and is believed to be patentable.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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